

ORDINANCE NO. 195-10

BY: **SEAN BRENNAN**

AN ORDINANCE TO ENACT SECTION 1527.08
"UTILITY SHUT-OFF IN NUISANCE
STRUCTURES" OF CHAPTER 1527 "UNSAFE
BUILDINGS AND PREMISES" OF THE
CODIFIED ORDINANCES OF THE CITY OF
PARMA, AND DECLARING AN EMERGENCY

WHEREAS, this Ordinance represents the mutual interest of the City of Parma in collaboration with Columbia Gas of Ohio, Inc., the Cleveland Illuminating Company (FirstEnergy), Inc., City of Cleveland, Division of Water, and various communications providers, including cable, telephone, internet, etc., to reduce potential risks of fires, explosions, flooding and other such threats that may arise in vacant structures within the City, and this Ordinance constitute an emergency measure for the City;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARMA, STATE OF OHIO:

Section 1. That Section 1527.08 "Utility Shut-Off in Nuisance Structures" of the Codified Ordinances of the City of Parma, which presently reads as follows:

"1527.08 UTILITY SHUT-OFF IN NUISANCE STRUCTURES.

- (a) Any structure determined by the Director of Public Safety to be vacant and unsafe and for which utility service, including natural gas, electric and water, or other utility as identified by the Director of Public Safety, has not been shut-off poses a risk of harm from fire, explosion, or flooding and is therefore declared to be a nuisance which shall be abated by shut-off of all utility service.**
- (b) When notified by the Director of Public Safety, or designee, no utility shall fail to shut-off its service to any nuisance structure within thirty (30) days of receipt of written notice. Notice shall be served on the Utility by facsimile, e-mail, or other certified mail to those names provided by the Utility as points of contact. The handling of the notice to the person designated to receive the notice shall be deemed actual notice and is legal and valid service and no other form of service is necessary. It shall be the responsibility of the utility to designate a person (s) to receive the notice provided for in this section. Upon effective date of this Ordinance, and as often as necessary to ensure that the City has current information, the Utility shall provide to the Director of Public Safety the name, address, telephone number, fax number and e-mail address of the person(s) designated to receive City notices related to utility shut-off notices.**
- (c) No later than three (3) business days following the utility service shut-off, the utility shall notify the Director of Public Safety of the date the utility shut-off the utility service. The notice will be in the form of facsimile, e-mail, or other certified mail.**
- (d) For purposes of this section:**
 - (1) "Utility" means any company, in the business of providing electrical, water, natural gas, telephone, cable or other utility service to a structure.**
 - (2) "Vacant" means that no person actually and legally resides in any part of the structure or that no person conducts a lawful business in any part of the structure.**

- (3) **"Shut-Off" means to stop the flow of gas, electricity, water or other utility service from entering the premises. For underground utilities, shut-off means disconnection at the street and for overhead utilities, disconnection shall be at the pole.**
- (4) **"Nuisance" means a structure declared by City to be vacant, unsafe, and in which, utility service may pose a risk of harm from fire, explosion or flooding.**
- (e) **The City of Parma will hold the Utility companies harmless against any and all claims and costs arising from any ordered shut-off and assumes all liability associated with any and all claims of damages, etc., arising from the shut-offs.**
- (f) **This Ordinance will take effect 90 days after a list of nuisance structures from the Director of Public Safety is furnished to the utility to allow sufficient time to address pre-existing applicable structures.**
- (g) **At least annually on a date mutually determined by the City and the utility, a meeting shall be held to review this Ordinance and identify any needed process or communication improvements."**

Section 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of the Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City of Parma, and for the further reason that this measure is necessary in order to enact this section in the near future, and this Ordinance shall become immediately effective upon receiving the affirmative vote of two-thirds of all members elected to Council and approval of the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: _____ PRESIDENT OF COUNCIL

ATTEST: _____ APPROVED: _____
CLERK OF COUNCIL

FILED WITH
THE MAYOR: _____ MAYOR, CITY OF PARMA, OHIO